

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 30, 2006. Claims 1-3, 5-7, 9, 11-21, 23 and 24 were pending in this Application. Claims 1-3, 5-7, 9, 11-21, 23 and 24 stand rejected. Claims 4, 8, 10, and 22 were previously cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1-3, 5-7, 9, 13, 17-18, 21 and 24 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,617,526 issued to Daniel P. Oran et al. ("Oran.") and U.S. Patent 6,002,398 issued to Daniel B. Wilson ("Wilson").

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Oran and Wilson, as applied to Claims 1 and 7 above, and further in view of U.S. Patent 6,385,662 issued to Billy Gayle Moon et al. ("Moon"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 12, 14-16 and 19-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Oran and Wilson, as applied to Claims 1 and 17 above, and further in view of U.S. Patent 5,689,416 issued to Takanori Shimizu et al. ("Shimizu"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Oran, Wilson, and Shimizu, as applied to Claims 17, 18, and 20 above, and further in view of Moon. Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The Examiner stated in the section "Response to arguments" that he relied on Oran for teaching the dynamic feature. The Examiner particularly stated that Oran teaches that a message indicator such as the email indicator can be displayed on a specific area of the graphical user interface when triggered by the occurrence of an event such as the arrival of a new or unread email. Applicants agree with the evaluation of Oran. However, the independent claims do include more than simply showing an indicator upon the occurrence of an event. According to the independent claim 1 the following step is included:

"means for determining an event which upon occurrence of the event superimpose a message indicator over one of said indicator tabs causing a second functionality of said indicator tab, wherein the message indicator is displayed superimposed over said one indicator tab when triggered by an automation system message;" (emphasis added)

Oran does neither disclose a second functionality nor that the indicator is displayed superimposed over an indicator tab. The Examiner stated that these functions can be found in Wilson. Applicants respectfully disagree. Wilson does not disclose any type of action upon the determination of an event as explained fully in the last response to office action. Wilson merely discloses a tabbed dialog box. However, an event does not change anything in this tabbed dialog box. Thus, it is unclear why a combination of Oran and Wilson would lead to the limitations of the present independent claims. If a person skilled in the art would combine Oran and Wilson, the mechanics disclosed in Oran would not change and an event would lead to an icon being displayed most likely in the free area on the bottom of the screen. A person skilled in the art receives no hint or any motivation to actually use a tab to display this indicator.

Moreover, none of the cited references teach that the display of the indicator on the tab causes a second functionality of that tab. Wilson merely teaches that one tab may have sub-tabs as opposed to other tabs. The Examiner stated that this tab has a second functionality. Applicants respectfully disagree. The specific tab "RESTRICTIONS" shown in Fig. 2 of Wilson does not have a first and a second functionality. This tab has only a single

function, namely that of showing “sub-tabs.” At no point in time comprises this tab a different function. Wilson merely discloses two types of tabs in Fig. 2. Wilson does not teach to change the functionality of a tab upon the occurrence of an event. Thus, even if a person skilled in the art would combine Oran and Wilson, which Applicants do not concede, it would lead to the limitations of the present independent claims.

Applicants submitted arguments in the last response regarding the fact that Wilson does not disclose the determination of an event. However, the Examiner merely repeated that Wilson discloses the determination of an event in col. 6, line 67 to col. 7, line 35. No comments were presented by the Examiner in the section “Response to arguments” of the above mentioned office action regarding the lack of an event determination in Wilson. The fact remains that Wilson does not teach any changes to the tabs upon the occurrence of an event. In fact, Wilson does not teach any dynamic changes at all. The cited paragraph merely discloses the differences between a tab with and without a sub-category field which is not determined by an event but rather by the content of the data base. None of these tabs has two functions. Most importantly, Wilson teaches only that a tab has either a direct display function or a sub category function but does not teach that the function of a tab can be changed.

Thus, Applicants believe that the cited prior art does not render the independent claims of the present application unpatentable. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

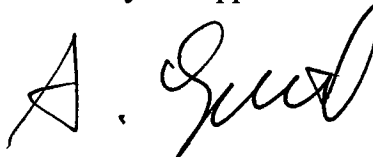
CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of all pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
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A handwritten signature in black ink, appearing to read 'A. Grubert', is written over the typed name.

Andreas Grubert
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